

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WI-LAN INC.,

Plaintiff,

V.

HTC CORPORATION, HTC AMERICA, INC., and EXEDEA, INC.,

Defendants.

Civil Action No. 2:11-cv-68-JRG
(LEAD CASE)

JURY TRIAL REQUESTED

WI-LAN INC.,

Plaintiff,

V.

APPLE INC., et al.,

Defendants.

Civil Action No. 2:12-cv-600-JRG
(Consolidated Case)

JURY TRIAL REQUESTED

STIPULATION AND JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff Wi-LAN, Inc. (“Wi-LAN”) and Defendant Alcatel-Lucent USA Inc. (“Alcatel-Lucent”) by and through their counsel of record, hereby stipulate and request the Court order as follows:

- (1) All claims at issue between Wi-LAN and Alcatel-Lucent in this action, including all claims presented by Wi-LAN and all of Alcatel-Lucent's counterclaims, shall be dismissed with prejudice;

- (2) Wi-LAN and Alcatel-Lucent each shall bear their own costs and attorneys' fees;
and
- (3) Alcatel-Lucent withdraws as moot its motions in limine "(C) Motion in Limine to Preclude References to Patent License Agreements Between Qualcomm and Alcatel-Lucent (and Alcatel-Lucent's Predecessor Organizations);" "(D) Motion in Limine to Preclude References to the Multimedia Patent Trust;" and "(I) Motion in Limine to Preclude Opinion of Michael Akemann Relating to His Reliance on Jeffrey Prince's Survey in His Quantitative Damages Analysis" included as part of Defendants' omnibus motions in limine (Dkt. No. 513), filed September 6, 2013.

Dated: September 17, 2013.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter

Sam Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
104 E. Houston Street, Suite 300
P.O. Box O
Marshall, Texas 75670
Telephone: (903) 903-9000
Telecopier: (903) 903-9099

Robert A. Cote
New York State Bar No. 2331957
rcote@mckoolsmith.com
Laura A. Handley
lhandley@mckoolsmith.com
Texas State Bar No. 24055024
One Bryant Park
47th Floor
New York, NY 10036
Telephone: (212) 402-9400
Telecopier: (212) 402-9444

ATTORNEYS FOR WI-LAN INC.

Dated: September 17, 2013

/s/ Michael E. Jones

Luke L. Dauchot, *Admitted Pro Hac Vice*

luke.dauchot@kirkland.com

Robert A. Appleby, *Admitted Pro Hac Vice*

robert.appleby@kirkland.com

Jeanne M. Heffernan, *Admitted Pro Hac Vice*

jeanne.heffernan@kirkland.com

Joseph A. Loy, *Admitted Pro Hac Vice*

joseph.loy@kirkland.com

Akshay S. Deoras, *Admitted Pro Hac Vice*

akshay.deoras@kirkland.com

KIRKLAND & ELLIS LLP

601 Lexington Avenue

New York, New York 10022

Telephone: (212) 446-4800

Facsimile: (212) 446-4900

Michael E. Jones

mikejones@potterminton.com

Allen F. Gardner

allengardner@potterminton.com

John F. bufe

johnbufe@potterminton.com

POTTER MINTON PC

110 N. College, Suite 500

Tyler, Texas 75702

Telephone: (903) 597-8311

Facsimile: (903) 593-0846

**ATTORNEYS FOR DEFENDANT
ALCATEL-LUCENT USA INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically pursuant to Local Rule CV-5(a) and served on all counsel of record via the Court's ECF and by electronic means on counsel of record on September 17, 2013.

/s/ Sam Baxter
Sam Baxter